

**Notice of Allowability**

Application No.

10/636,058

Examiner

Ruth C. Rodriguez

Applicant(s)

CARNEVALI, JEFFREY D.

Art Unit

3677

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication filed on 21 July 2005.
2. ☒ The allowed claim(s) is/are 4, 24-28, 5-11 and 14-23 that will be renumbered 1-23 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance             |
|   | 9. <input type="checkbox"/> Other _____  |

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Charles J. Rupnik on 30 September 2005.

The application has been amended as follows:

Abstract, line 4, "means" has been replaced with --member--.

Claim 4, line 10, "wherein" and "is structured to" have been deleted.

Claim 4, line 11, "flex" has been replaced with --flexes--.

Claim 4, line 12, "is" and "structured to" have been deleted and "relax" has been replaced with --relaxes--.

Claim 5, line 10, "wherein" and "is structured to" have been deleted.

Claim 5, line 11, "flex" has been replaced with --flexes--.

Claim 5, line 12, "is" and "structured to" have been deleted and "relax" has been replaced with --relaxes--.

The following is an examiner's statement of reasons for allowance:

For claim 4, Molloy discloses a secure clamping mechanism comprises two spaced apart surfaces, a resiliently compressible biasing member, a clamp portion and a locking key. The biasing member is between the two spaced apart surfaces. The

Art Unit: 3677

clamp portion has a drive portion that is structured to be slidably engaged between the two spaced apart surfaces. The locking key engaging the biasing member between the drive portion and at least one of the spaced apart surfaces. The locking key interlocks with at least one of the two spaced apart surfaces. Molloy fails to disclose that one of the locking key or one of the two spaced apart surfaces resiliently flexes allow positioning of the locking key within the spaced apart surfaces and one of the locking key or one of the two spaced apart surfaces resiliently relaxes after the locking key is positioned within the two spaced apart surfaces. Accordingly, it would not have been obvious to one having ordinary skill in the art at the time of Applicant's invention to have one of the locking key or the spaced apart surfaces flexing and relaxing to permit the insertion of the locking key within the spaced apart surfaces while having a resiliently compressible biasing member being disposed between the two spaced apart surfaces.

Regarding claim 5, the same reasons of allowance of claim 4 apply to claim 5 since claim 5 has the same limitations as claim 4 but also includes the limitation of having a notch formed in at least one of the two spaced apart surfaces where the notch is complementary to a detent of the locking key.

For claim 9, Molloy discloses a secure clamping mechanism having all the limitations of claim 4 above. Molloy also fails to disclose that the locking key has a substantially rigid elongated body with a substantially rectangular cross-section, a substantially rectangular shoulder formed at one end of the elongated body and first and second detents projecting from opposite sides of the elongated body to engage with the notch. Likewise, it would not have been obvious to one having ordinary skill in the

Art Unit: 3677

art at the time the invention was made to change the shape of the locking key to have a substantially rectangular elongated body with a substantially rectangular projection in one end and two oppositely extending projections on opposite sides of the elongated body for the cylindrical locking key of Molloy.

For claim 14 having similar limitations to claim 4, Molloy fails to disclose a jaw portion and drive portion. Accordingly, it would not have been obvious to one having ordinary skill in the art at the time of applicant's invention to have a jaw portion instead of having a drive portion and a supporting portion without any jaw portion as disclosed by Molloy.

For claim 18, Chen discloses a cradle comprising a substantially rigid base, a substantially rigid clamp, a locking key and compression springs. Chen fails to disclose that the elongated shaft is slidably received within the channel of the base, a spring engagement surface formed distal from the jaw, and that the compression spring is within the channel and compressed between the locking key and the spring engagement structure. Accordingly, it would not have been obvious to one having ordinary skill in the art at the time the invention was made to have the elongated shaft is slidably received within the channel of the base, a spring engagement surface formed distal from the jaw, and that the compression spring is within the channel and compressed between the locking key and the spring engagement structure instead of having a locking key that engages notches in a plate where the plate is being biased towards the base by a couple of compression springs.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.


Art Unit: 3677

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth C. Rodriguez  
Patent Examiner  
Art Unit 3677

*RCR*  
rcr

October 1, 2005

  
ROBERT J. SANDY  
PRIMARY EXAMINER